



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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November 17, 2022

BY ECF

The Honorable Andrew L. Carter, Jr.
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2203
New York, NY 10007

Re: *Knight First Amendment Institute v. U.S. Dep't of Homeland Security et al.*,
No. 17 Civ. 7572 (ALC)

Dear Judge Carter:

I write respectfully on behalf of Defendant United States Immigration and Customs Enforcement ("ICE"), and jointly with Plaintiff, to inform the Court that the parties have resolved the dispute concerning ICE's withholding of portions of the Foreign Policy Provision Memo, the subject of ICE's anticipated motion for summary judgment scheduled to be filed on November 18, 2022. *See* Dkt. No. 207. Specifically, on November 8, 2022, ICE informed Plaintiff that, in an effort to avoid further litigation, ICE conducted another review of the Foreign Policy Provision Memo. ICE explained that while the document is an informal draft that is exempt from disclosure in full under the deliberative process privilege and FOIA exemption 5, in an attempt to resolve this matter, ICE made a discretionary release of portions of the Foreign Policy Provision Memo.

As a result of that discretionary release, the parties agree that additional motion practice concerning the Foreign Policy Memo is not necessary. Accordingly, ICE will not file a motion on November 18, 2022. Finally, as outlined in the parties' last status report, the parties will provide a joint status report on December 16, 2022, concerning ICE's processing of the remaining records. *See* Dkt. No. 206.

We thank the Court for considering this matter.

Respectfully,

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